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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAR 17 PM 3:25
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Ruben RODRIGUEZ-Naranjo,** Defendant	Magistrate Docket No. '08 MJ 0831
	COMPLAINT FOR VIOLATION OF:
	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 14, 2008** within the Southern District of California, defendant, **Ruben RODRIGUEZ-Naranjo,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF **MARCH 2008**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ruben RODRIGUEZ-Naranjo

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On March 14, 2008, at approximately 10:10 p.m., Border Patrol Agent C. Paul was working assigned line watch duties in the Imperial Beach area of operations. This area is known to agents as "Clear Water" and is located approximately 200 yards north of the U.S./Mexico International Border and one-half mile west of the San Ysidro, California Port of Entry. This area is commonly used by illegal aliens to further their entry into the United States.

While on patrol, Agent Paul was advised by the scope operator that one individual had crossed the United States/Mexico International Boundary near the area known as "Clear Water". Agent Paul was then advised that this subject was last seen entering the high brush. Agent Paul approached the area and soon discovered the individual lying facedown. Agent Paul identified himself as a Border Patrol Agent and performed an immigration inspection. The subject later identified as the defendant **Ruben RODRIGUEZ-Naranjo** freely admitted to being a citizen and national of Mexico illegally present in the United States. At approximately 10:20 p.m., Agent Paul placed the defendant under arrest and had him transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 27, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights in the Spanish language. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on March 15, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 14, 2008**, in violation of Title 8, United States Code, Section 1326.

Louisa S. Porter
United States Magistrate Judge

3/15/08 9:30 AM
Date/Time